IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18821 OF 2005

Dated : August 24, 2005

Between:

Mulleti Saraswathi

Petitioner

AND

The Commissioner,

Kakinada Municipal Corporation,

Kakinada, East Godavari Dist.

Respondent

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18821 OF 2005

ORAL ORDER:

Aggrieved of the proposed action of the respondent in proceeding to demolish the structures in the petitioner's site in Sy. No.249 in TS No. 2032, RS No. 3100/19 measuring 546 Sq. yards of Kakinada Town, without following due process of law, the petitioner filed this writ petition.

The case of the petitioner is that her husband purchased an extent of 1092 Sq. Yards along with Smt. R.Ramayamma, under registered document, which they have partitioned and her husband got the above property and had been in possession and enjoyment of the same till 7.3.1985, on which date he demised. Thereafter, she succeeded to the property and has been in possession of the land, paying taxes to the respondent corporation. While so, on 20.8.2005, the officials of the respondent went to the schedule property and started taking measurements stating that they are going to demolish the structures. It is submitted that no notice was issued to her or there was any promise of payment of compensation. As such the petitioner came up with the instant writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondent is directed to

follow the guidelines issued in *Pilli Lakshmana Rao* case, if it intends to demolish the structures of the petitioner, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 24, 2005

MAS.